TABLE OF CONTENTS
IV2229846

IAB INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

Subject: Bryan Thompson, Deputy Sheriff, Employee #[redacted]

Industry Sheriff's Station

Date: September 2, 2008

Location: [redacted]

SYNOPSIS:

[redacted], who is the [redacted] of Subject Bryan Thompson, discovered photographs on her digital camera which depicted a young girl whose vagina was exposed. The camera belonged to her but claims she had loaned it to her [redacted] (Bryan Thompson) for several months. She discovered the photos when her [redacted] returned the camera and she scrolled through the photos on the camera's memory. She recognized the young girl in the photo as the [redacted] of her [redacted]. She reported the photos to the Altadena Sheriff's Station. The case was forwarded to the Chino Police Department who conducted a 311.11(a) investigation. The case was ultimately presented to the District Attorney at the Rancho/Chino District of the San Bernardino Superior Court, and was rejected due to a lack of sufficient evidence.

I.A.B. Note: The complete Chino Hills Police Department investigation including statements from all parties interviewed have been submitted with this case as exhibits (Exhibit A).

Witness Interviews

[redacted] was interviewed on May 20, 2009 by Sergeant Albert Maldonado via telephone. The interview was digitally recorded.

[redacted] told me she was living with her [redacted] when she discovered the photos. She explained she was living with her [redacted] when she loaned him her digital camera. He kept and used the camera for several months. On September 2, 2008, she along with his father's [redacted] ([redacted]) and [redacted] ([redacted]) and her [redacted] spent the entire day at the Los Angeles County Fair in Pomona. She said at the end of the day she and [redacted] went to their vehicle and awaited her [redacted] and [redacted] to also return to the vehicle. As they waited [redacted] began to scroll through photos on the camera [redacted] had loaned to her [redacted]. It

should be noted, [redacted] said, to her knowledge, the camera was already in the vehicle prior to their arrival at the fair. It was not used during the time they were at the fair.

[redacted] said as [redacted] scrolled through the photos she noticed a photo of a young girl whose vagina was exposed. She was shocked at what was depicted and immediately showed the photo to her [redacted]). [redacted] who was also shocked, said she immediately recognized the girl as the [redacted] of her [redacted]. She said she did not say anything to her [redacted] or his [redacted] when they returned to the vehicle. She instead went home and was so upset at what she saw that she reported it to her counselor. Her counselor instructed her to report the incident to law enforcement.

I.A.B. Note: [redacted] made a report to the Altadena Station who wrote a courtesy report for the Chino Police Department (Exhibit A).

[redacted] was interviewed on July 25, 2009 at the La Mirada Sheriff's Substation in the city of La Mirada. [redacted] summarized what occurred on September 2, 2008 when she and [redacted] discovered the photos. This interview was digitally recorded.

[redacted] said she, her [redacted]), [redacted], [redacted] and Bryan Thompson (subject) had spent the entire day at the Los Angeles County Fair in Pomona. At the end of the day she and [redacted] went to Bryan Thompson's vehicle to await the arrival of her ([redacted]) [redacted] who was going to pick her up and take her to [redacted] practice. As they waited in the vehicle [redacted] began scrolling through the photos on a digital camera they found in the vehicle. She noted the camera belonged to [redacted] but [redacted] had loaned it to her [redacted] (Bryan Thompson). As [redacted] scrolled through the camera she [redacted] became shocked as she discovered photos in which she felt were inappropriate. [redacted] immediately showed [redacted] the photos in which [redacted] could clearly see the photos depicted a young girl whose vagina was exposed. She said the girl was sitting on a "Big Wheel" tri-cycle and was wearing an oversized T-Shirt. [redacted] disclosed to her the girl in photo was the [redacted] of his [redacted] said she didn't know or had never met the [redacted] of Bryan's [redacted]

[redacted] said both she and [redacted] were shocked at what was depicted in the photos. [redacted] removed the memory card out of the camera and put the camera back where she found it. They talked briefly about what they had just seen and [redacted] left as her [redacted] arrived to take her to practice. She is not sure what happened to the camera or the photos after she left.

[redacted] acknowledged spontaneously making a comment to [redacted] about an incident in which she had a dream Bryan touched her inappropriately when she was 13 years of age. She explained she was sleeping on a couch at Bryan's house when she was

awakened by what felt like a hand touching the outside of her clothed vagina and suddenly moving away. She wasn't sure if she was dreaming and went back to sleep. She woke up in the middle of the night and went to Bryan's room to see if it was him who was touching her. She said Bryan was in a deep sleep and snoring when she entered his room. She woke him up and asked him if he was touching her. He denied touching her and to this day she is convinced she was dreaming. When [redacted] discovered the photos she immediately recalled this incident and felt that perhaps she was not dreaming and Bryan had in fact touched her inappropriately. She added she spoke with Detective [redacted] of the Chino Police Department regarding this statement. She said she told him she did not want to pursue this matter and would not testify in court or cooperate with an investigation. **(Detective [redacted] supplemental report is included as the last page of Exhibit A)**

I.A.B. Note: On September 29, 2009 I interviewed [redacted] ([redacted]) via telephone. [redacted] said she recalled an incident in which her [redacted] brought it to attention that she felt she was touched inappropriately by Bryan (Thompson). She said she recalled [redacted] described being asleep on a couch and being awakened by what she felt was someone touching her leg. She believed it was Bryan who was touching her leg as she slept and that the touching made her feel uncomfortable. [redacted] did not indicate to her being touched anywhere else on her body. [redacted] asked Bryan if he touched [redacted] while she slept. Bryan responded by saying he was in the living room and was walking near the couch where [redacted] was sleeping. As he walked near the couch his knees gave out and he fell to the couch. He did not say if he touched [redacted] but did acknowledge using the couch to regain his balance. She [redacted] believe [redacted] was dreaming and partially remembers Bryan near the couch as she slept. She [redacted] does not believe Bryan touched [redacted] inappropriately.

It should be noted [redacted] said Bryan was recovering from surgery to both of his knees when this incident occurred.

[redacted] was interviewed on October 9, 2009 at the Industry Sheriff's Station. [redacted] said he was separated from his wife and moved in with Bryan Thompson in approximately June of 2008. He rented a room from Bryan for about four to five months, until he and his wife were able to reconcile their differences.

[redacted] said he recalled [redacted] and [redacted] who were the [redacted] of Bryan's friend [redacted], visiting Bryan and spending time at his home. He estimates they visited once every one or two weeks. When they visited their mother was never with them and they would normally play and watch television. Their visits would usually last four to five hours and on at least one occasion, past 9 pm. He could not recall if they ever spent the night. He added he never met their mother.

Upon showing [redacted] the series of photos retrieved from [redacted] camera, he said he recognized the location to be Bryan's backyard. He said he only recalled two occasions, being in the backyard while [redacted] and [redacted] were swimming. He also remembered the girl's wearing long T-Shirts when they swam. He can only recall Bryan and possibly his neighbor [redacted] being present during these occasions. He added he can recall at least one occasion when [redacted] sat in the backyard with them while the girls were swimming.

[redacted] said he cannot recall [redacted] and [redacted] posing for the photos depicted. Having assembled it, he said he recognized the "Big Wheel" tri-cycle [redacted] was sitting on in the photo. He could not recall ever seeing her sit on it while she visited. He acknowledged being depicted in one of the photos time stamped on the same date and around the same time period as [redacted] posing on the Big Wheel, but could not recall who took the photo. He added he could not recall any occasion in which someone was taking photos while he was in Bryan's backyard. He also mentioned he is not looking towards the camera in the photo depicting him and was not aware his photo was being taken. He said he appears to be talking to someone sitting across from him and that is why he believes the photo was taken on the day [redacted] was in the backyard with him. He believes he may be talking to [redacted] who was sitting across from him.

[redacted] was interviewed on October 7, 2009 at the Industry Sheriff's Station. [redacted], who is Bryan Thompson's [redacted] said he recalled visiting with Bryan Thompson and [redacted] in Bryan's backyard on at least one occasion. Although he knows who [redacted] and [redacted] are, he cannot recall a time when they were present while Bryan, [redacted] and himself were in the backyard. He also could not recall ever being over when the girls were swimming. He does not know who took the photos of the girls and could not recall ever seeing them pose for a photo or Bryan taking photos while he was at his home.

Subject Interview:

Deputy Bryan Thompson #[redacted] was interviewed on October 27, 2009 by Sergeants Albert Maldonado and Scott Hill. The interview took place at the Internal Affairs Bureau office in the City of Commerce. The interview was digitally recorded and transcribed.

Bryan acknowledged [redacted] and [redacted] as the [redacted] of a woman he maintained a relationship with. The woman's name was [redacted] and he said he dated and lived with her for approximately 10 months. When their relationship ended he still remained friends with her and would allow her [redacted] ([redacted] and [redacted] to spend time at his home. He said the girls would visit once or twice a week

and their visit would typically last from after school to about five or six o'clock in the afternoon when their mother would pick them up. He added it was not unusual for them to go swimming when they were at his home and he would allow them to swim whenever they wanted. He said they would normally wear their bathing suits when they swam but it was not unusual for him to give them large t-shirts to wear. He could think of at least 4 or 5 occasions when they came over to his house and swam.

I.A.B. Note: In [redacted] interview with Chino Police Department Detective [redacted] she mentioned she never brought a bathing suit to Bryan's house and he would always provide them with an over size T-Shirt to swim in.

Bryan said he could think of only one occasion where [redacted] and [redacted] spent the night at his home without their [redacted] being present. When I made reference to his statement noted in the Chino Police Department investigation in which, during his interview, he said the girls "would, on occasion, spend the night at his residence and sleep in his bedroom with him." He said he remembered making that statement but could only recall one incident when they spent the night. When I asked him if "on occasion" meant more that one, he said it did but maintained he could only recall one incident where they spent the entire night at his home. He could not recall if anyone else was in the home or if he slept in the same or separate bedroom. When I, again referred to his interview with Chino Police Department where he admits to sleeping in the same bed as the girls, he recalled them sleeping at the opposite side (foot)of the bed from him as they fell asleep while watching television.

I.A.B. Note: In [redacted] interview with Chino Police Department Detective [redacted] she mentioned after her [redacted] and Bryan [redacted] she and [redacted] would still spend the night on a regular basis. They would spend the night in his room with the door closed but she is not sure if it was locked. She said they would sleep on one side of the bed while he slept on the other. She mentioned he told them he wanted them in the same room while they slept in case someone broke into the house when they slept.

Bryan also diagramed for me on piece of notebook paper (Exhibit 1) the layout of his bedroom and where he slept in relation to the girls. He added the door was open as they slept. He never told their [redacted] and is not sure if she knew they were sleeping in the same bed as him.

I.A.B. Note: [redacted] mentioned in her forensic interview, the door to Bryan's room was normally "kind of open and kind of closed" when they were watching television in his bedroom. She also mentioned he (Bryan) touched her on the leg during one of the times they watched television in her room. She said he grabbed her leg three times and she hit his arm because it made her feel "Awkward." She did not disclose being touched by Bryan on her breasts, buttocks or vagina.

I asked Bryan if he felt this was unusual for a grown man to be sleeping in the same bed with two young girls who were not his children. He agreed it what unusual. When I asked him if he felt it was a wise choice for him to do so, he said it was not a wise choice but, he had nowhere else to put them.

I.A.B. Note: In [redacted] interview with Detective [redacted] she also mentioned she and [redacted] showered at his home while she visited. She would shower while Bryan waited outside and watched television in his bedroom. If she needed anything she would call him and he would enter (fully clothed) and bring the item to her "with his eyes closed."

When I showed Bryan a series of photos that were forensically retrieved from the camera his [redacted] loaned to him, he acknowledged the girls depicted in the photos were [redacted] and [redacted] He also acknowledged they were wearing oversized t-shirts he identified as belonging to him and the scene in the photos was his backyard. He also acknowledged the dogs depicted in the photos were his and identified his room mate [redacted] as also being depicted in the photos. He denied taking the photos and said he could not recall a time when he ever took photos of the girls. He added he would never take a photo depicting the girls vagina.

I.A.B. Note: During an interview with Chino Police Department Detective [redacted] and during a forensic interview with [redacted] at the "Children's Assessment Center" in San Bernardino, [redacted] was shown the photos in question. She acknowledged she was depicted in the photos and recalled the day they were taken. She said Bryan took all of the photos and she recalled posing on the "Big Wheel" tri-cycle. When she was shown the photos depicting her bare vagina, she appeared to be shocked and said "I don't know how he (Bryan) took that one." She also mentioned Bryan and her [redacted] were the only persons at Bryan's house that day.

October 29, 2008 [redacted] was forensically interviewed by [redacted] at the "Children's Assessment Center" in San Bernardino. [redacted] also disclosed being photographed by Bryan as she and her [redacted] swam at his home. She described the photos she posed for as her wearing a large T-shirt and "floaties" in the swimming pool. She said she and [redacted] were pretending to kiss each other while Bryan took the photos. He then showed them the photos. She added "his partner" was also there. She said "his partner" lived in a second room at the house.

Bryan said the camera the photos were retrieved from belonged to his [redacted] He acknowledged using the camera to sell items on Ebay but said it was a "community" camera that was left out in various locations within the house. He said several people including [redacted], his [redacted] and the girls [redacted] used that camera. He added [redacted] had access to the camera and

and would take it to his room and play with it as if it was a toy. He does not think [redacted] ever used the camera.

Bryan also recalled an incident when he accidently touched [redacted] on her knee. He explained [redacted] who is his [redacted] was approximately 13 years of age at the time of the allegation. He said he and [redacted] for approximately 7 to 8 years. [redacted] is now 18 years of age.

Bryan explained he was recovering from two knee surgeries when [redacted] was sleeping on the couch in his living room. It was late at night as he was on a recliner in the living room. He believes [redacted] was sleeping on another couch in the living room. He said he went to the front door to make sure it was locked. As he was walking back to his bedroom, his knees "gave out" and he lost his balance. He caught himself on the couch [redacted] was sleeping on and he inadvertently touched her knee. He said he was walking near the back portion of the couch while [redacted] slept with her knees folded up. [redacted] woke up and said "you touched me." He told her he touched her knee and she immediately went back to sleep. The next morning [redacted] asked him if he touched her. He told [redacted] he touched her knee and explained what happened. He denied touching her inappropriately.


Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



February 10, 2010

Deputy Bryan Thompson, #[redacted]

Dear Deputy Thompson:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business March 4, 2010.

An investigation under File Number IAB 2229846, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/000.10, Professional Conduct, on or about September 2008, you failed to maintain a level of moral conduct that is in keeping with the highest standards of the law enforcement profession, as evidenced by, but not limited to: knowingly taking sexually explicit photographs and/or having in your possession sexually explicit photographs of an eight year old's [redacted] exposed vagina as she sat on a "Big Wheel" Tricycle in your backyard in the City of Chino, wearing an oversized T-shirt that admittedly belonged to you. Both minor children who were present on the day the photographs were taken said you took the photographs. Your conduct and actions are in direct conflict with this Department's Core Values, Mission and Creed and as a deputy sheriff, they simply cannot be tolerated. Thus, you have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.75, Failure to Make Statements and/or Making False Statements Djuring Departmental Internal Investigations, on or about October 27, 2009, you made false and/or misleading statements to investigators during your subject interview, including but not limited to:

   a) denying that you took the inappropriate photographs of [redacted] exposed vagina after telling Chino Police Department officers that you had taken the photographs.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Thomas Laing on March 2, 2010, at 1100 hours, in his office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to March 2, 2010, for your oral response, please call Chief Laing's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Laing's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Laing's office by no later than March 2, 2010.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Karyn Mannis

Karyn Mannis, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:lh

c: Advocacy Unit
Employee Relations Unit
Chief Thomas Laing, FORIII
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2229846)



COPY

CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

May 9, 2011

FINAL DECISION

Subject of Hearing: *Petition of* ***BRYAN THOMPSON*** *for a hearing on his* ***discharge****, effective March 4, 2010, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 10-89.**

On April 4, 2011, the Commission's proposed decision in this matter was sent out for objections. The objections were to be filed with the Commission by April 25, 2011. No objections were timely filed.

Therefore, the following is the Commission's final decision in the matter:

DEPARTMENT SUSTAINED.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

c: Bryan Thompson
Gregory S. Emerson
Sioban H. Cullen
Trudi Ferguson



LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

In the matter of BRYAN THOMPSON Appellant v.s. SHERIFF'S DEPARTMENT Respondent	)	RECOMMENDED DECISION, FINDINGS OF FACT AND CONCLUSIONS OF LAW Case No. 10-89

The hearing in the above-captioned matter was held on October 7, 12, 2010 and January 6, 2011, as a result of a timely appeal filed by (Appellant) regarding his discharge, effective March 4, 2010, from the position of Deputy Sheriff, Sheriff's Department. (Respondent.)

I. INTRODUCTION.

Appellant was a permanent employee with Respondent for 27 years, most recently as a Deputy Sheriff. The March 4, 2010, letter of discharge states the following as grounds: violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/000.10, Professional Conduct on or about September 2008, by knowingly taking sexually explicit photographs and/or having possession of sexually explicit photographs of an eight year old's exposed vagina. Violation of Manual of Policy and Procedures Sections 3-01/040.75, Failure to Make Statements and/or Making False Statement During Departmental Internal Investigations on or about October 27, 2009 by denying taking the inappropriate photographs.

Respondent was represented by Siobhan Cullen, Attorney. Appellant was represented by Gregory Emerson, Attorney.

II. ISSUES.

The parties stipulated to the following issues for submission:

1. Are the allegations contained in the Department's letter dated March 4, 2010 true?

2. If any or all are true, is the discipline appropriate?

III. STATEMENT OF FACTS

Appellant was employed by Respondent for 27 years with no prior discipline.

This case involves sexually explicit pictures of a minor's vagina taken 9/2/08, on a camera owned by Appellant's [redacted] and shared by Appellant. The Department alleges Appellant took the inappropriate pictures, and then misled investigators about taking the pictures and his [redacted] Appellant denies he took the pictures and denies inconsistencies in his statements to investigators.

Appellant's [redacted] owned the camera used to take the offending photographs, and discovered the pictures, subsequently taking the camera to the Altadena Sheriff's Station where the case was forwarded to Chino Police who conducted an investigation. The case was ultimately presented to the D.A. at Rancho/Chino District Office of the San Bernardino Superior Court and rejected due to lack of evidence.

Appellant had had a relationship with the [redacted] in the pictures during which time she and the girls essentially lived with Appellant. After they [redacted]

Appellant maintained some relationship with the [redacted] at the time of the pictures.

Appellant did not testify at the hearing but gave two statements, received into evidence at the hearing. Department's Exhibit #B page 38 - 39 was a summary of Appellant's interview by [redacted] Chino Police Department, 11/6/08 [redacted] reports Appellant maintained a [redacted] who would 'frequently go swimming" in his pool. Sometimes they would bring bathing suits but 'usually' they wore his old T-shirts over underwear. Appellant stated he 'possibly could have' taken the photographs of the girls in the pool (refer to the video). But, he did not take the inappropriate photo of [redacted] because it wouldn't have been appropriate. 'I would've cancelled it.' Appellant suggested [redacted] possibly took the picture.

Appellant said occasionally he used his [redacted] camera. Although he was not adept with the camera, he did use it to take pictures of his personal property, which he sold on the internet.

He said on occasion he would either pick the girls up from school or their mother would drop them off at his house. He said they would 'on occasion' spend the night, sleep in his bedroom in his king sized bed with him with all their clothes on.

After the criminal investigation concluded, the case was referred to IAB for investigation of violation of Department Policy. In a second interview, 10/27/09, about a year later, with Sergeant Maldonado and Sergeant Hill from IAB (Department's Exhibit #C 1-37) Appellant stated the girls visited occasionally, often to swim in his pool with his [redacted] When asked if the girls spent the night, he couldn't recall with clarity.

At first he said no, but then said he couldn't remember, maybe once, then saying no again, and then, when read a report of his prior statement, said he would pick them up from school occasionally they would spend the night and sleep in his bedroom. Appellant said he slept in the living room or just slept 'on the side' hoping their mom would call. Again in reference to the prior statement, he said sometimes he'd be in the same room "I slept in this bed over here and they slept over here" in one big bed.

Appellant stated he had a roommate named [redacted] who might have been there at the time of the alleged sleep-over from about February to September 2008. Appellant stated he thought it was unusual for a man, not the father of the girls, to be in the same bed as young girls, but he was just waiting for the mother to call and he didn't have any other place to put them. He said he thought it was only once they spent the entire night.

Appellant stated the girls went swimming at his house maybe four or five times, sometimes they would wear bathing suits but it was not unusual for him to give them one of his large T-shirts.

Appellant stated he recognized the photos taken 9/2/08 in Department's Exhibit #F and #G to be his house, pool, backyard, dog, and friend [redacted] and the girls, but doesn't remember who took the photos. Appellant denied taking the photos and didn't know who did.

Appellant said the camera, which took the photos, was his [redacted] and he used that camera to take Ebay pictures. It was a 'community camera' left on the counter in his kitchen, and anyone, including the kids, would use it. Appellant's testimony regarding the camera itself is confusing. (See Department's Exhibit #C p. 25 -

29.) At first he denies any knowledge of the camera where the pictures were found. He then says it was his [redacted] which he used to take Ebay pictures, but then moments later says he never saw the camera. (page 29)

Appellant said his [redacted] was living at his house about this time in 2008 and they had a good relationship until he took her 'card away' and her car was repossessed sometime in September.

In this same interview Appellant commented on an incident (occurring about four years ago) with his current (but also previous) [redacted], whom [redacted] referred to as alleging Appellant inappropriately touched. Appellant recalled he had had knee surgery, stumbled by the couch where the young girl lay, and tapped her knee. Appellant reported the girl said 'You touched me,' and Appellant replied 'No, Kiddo, I touched your knee.' (See Department's Exhibit #C p 32-36.)

Photos in Department's Exhibit #F and #G were forensically retrieved from Appellant's [redacted] camera, created on 9/2/08 at 5:30 p.m. Crime Analyst with Chino Police, [redacted] testified regarding the photos. The photos show the two girls, [redacted] and [redacted] holding Appellant's dog, riding a tricycle, swimming in Appellant's pool, Appellant's neighbor and another dog, more dogs, T-shirts and their designs, and a picture zoomed in on [redacted] bare vagina. Departments Exhibit #F page 8-11 shows a series of deleted photos recovered in the same sequence with seven pictures shooting up [redacted] legs toward her vagina. [redacted] testified she extracted the deleted photos from the camera and determined the photos were taken in sequence.

In a Supplement Report, 10/2/08, made by Deputy M. Stewart based on his interview with [redacted] said the girls' mother brings them to her father's house Tuesdays and Wednesdays and the girls spend the night sleeping in her dad's bedroom and bed with him. [redacted] writes, [redacted] said she discovered the inappropriate pictures with [redacted] of his current [redacted] said after they discovered the inappropriate pictures, [redacted] told [redacted] 'that was no nightmare' when Appellant put his hands on [redacted] [redacted] referring to an incident that allegedly occurred about four years ago when [redacted] was 13. [redacted] said [redacted] told [redacted] when she was 13, but her [redacted] didn't believe her and said she must have had a nightmare. (See Department's Exhibit #B p. 9.)

[redacted] also talked to Appellant's first [redacted] who said she never noticed any inappropriate behavior between Appellant and any children. (See Department's Exhibit # B pages 8-9.) However, in Corporal [redacted] report (See Department's Exhibit #B page 16) [redacted] writes on 10/20/08: it must be noted that an allegation of possible child molestation on the part of Appellant had been made by [redacted] about 18 months ago, alleging Appellant was dating a woman who had [redacted] would take showers and sleep in the bed of Appellant. Their reported ages were [redacted] The case was inactivated for lack of evidence.

IAB Sergeant Albert Maldonado interviewed [redacted] on 5/20/09 by phone, and Maldonado summarizes her statement. (See Department's Exhibit #A, page 15.) B. Thompson owned the camera, which she loaned to her father. Brooke discovered the photos 9/2/08, waiting for her [redacted] after a day together at the L.A. County fair with her [redacted] and [redacted] said the camera had been in the car and not used at the fair. After discovering the photos, [redacted] made a police report and gave the camera to the police.

[redacted], was also interviewed 7/25/09 by Maldonado. [redacted] is the [redacted] of Respondent's current [redacted] who had also been his previous [redacted] prior to the [redacted] Maldonado writes in Department Exhibit #A page 15 that [redacted] confirmed the discovery of the photos on the day they all went to the L.A. County Fair. [redacted] acknowledged spontaneously making a comment to [redacted] about an incident in which she had a dream Appellant touched her inappropriately when she [redacted] sleeping on his couch with his hand touching the outside of her clothed [redacted] She wasn't sure if she was dreaming. But, she didn't want to pursue the matter. (See Detective Infusino's Supplemental report 10/2/08, Department's Exhibit #B page 67.) Maldonado also interviewed [redacted] by phone. [redacted] recalled [redacted] telling her about a time she felt she was touched inappropriately by Appellant and described being asleep on a couch, awakened by someone she believed was Appellant, touching her leg, and it made her uncomfortable. [redacted] did not indicate being touched anywhere else. When [redacted] asked Appellant, he said his knee stumbled walking. [redacted] believed [redacted] was dreaming and doesn't believe Appellant touched [redacted] inappropriately. (See Department's Exhibit #A p. 16.)

In statement to I.A. Maldonado, 10/27/09 [redacted] stated he moved in with Appellant about June 2008 after separating from his [redacted] renting a room for about 4 to 5 months. [redacted] recalled the girls [redacted] visiting Appellant about once every one or two weeks without their mother. Visits lasted 4 to 5 hours and at least once past 9 p.m. [redacted] couldn't recall if they ever spent the night. He recalls two occasions being in the backyard while the girls were swimming, wearing T-shirts. Possibly the neighbor, Deputy [redacted] was present but [redacted] didn't recall someone taking photos. (See Department's Exhibit #A p 17.)

[redacted] was interviewed 10/27/09 by Maldonado. [redacted] stated he did visit Appellant while [redacted] was in the backyard but can't recall a time the girls were also present swimming, nor did he know who took the photos. (See Department's Exhibit #A p 17.)

[redacted] was interviewed, 10/2/08 by Chino Police Department Detective, [redacted]. [redacted] wrote [redacted] said Appellant liked to take pictures of her and her [redacted] to have 'fond memories.' She confirmed Appellant had taken the photos of her in the pool but didn't know how he had taken the picture of her vagina. She said she and her [redacted] spent the night at Appellant's house without their mother, on occasions. They slept in his bedroom with him with the door closed. She was not sure if it was locked. She said they would sleep on one side of the bed while he slept on the other. In this interview [redacted] answered Appellant had not touched her. Appellant said he wanted them in the same room while they slept in case someone broke into the house when they slept. (See Department's Exhibit #B page 17.)

In an interview with a forensic examiner, Dayle Lopez of Children's Assessment center of S.B. County, observed by [redacted] on 10/29/08, [redacted] said Appellant touched her on the leg, 'tried to grab me' during one of the times they watched television in his bedroom. She hit his arm because it made her feel 'awkward.' He 'did it again' two more times. Lopez asked [redacted] to clarify whether Appellant 'tried' to touch her or 'actually' touched her; [redacted] confirmed Appellant actually touched her. She doesn't think he touched her [redacted] The bedroom door was closed and his roommate was out at the store.

[redacted] stated Appellant took all the photos and recalled posing on the tricycle. She first said Appellant took a picture of her vagina and then said Appellant was taking 'silly' pictures but didn't know he was taking a picture of her vagina. She then said she remembered him photographing her (one or two pictures.) She remembers her little [redacted] pretending to give her a kiss. She remembers having a T-shirt on and had put her panties in the drier as they were wet. (See Department's Exhibit #D p. 19 – 41.)

[redacted] was interviewed 10/29/08 by Lopez, observed by [redacted] said sometimes she and her [redacted] forgot to bring their bathing suits to Appellant's house and so would wear his T-shirts to swim. She remembered Appellant taking her picture and recalls she and her [redacted] pretending to kiss each other. She remembers being photographed by Appellant while swimming and recalled posing wearing a large T-shirt and floaties in the pool. "We were playing dolls in the living room in the pool and then Brian took a picture and then he said, 'Look at the picture' and they all were laughing." [redacted] recalled Appellant's partner being there. [redacted] said she slept on Appellant's

couch by herself and [redacted] was on the other couch and Appellant slept in his own bedroom by himself. (See Department's Exhibit #B p. 17-22.)

Sergeant Maldonado testified this case had come to him as a criminal monitor but was rejected by the D.A. Maldonado reviewed the case investigation by the Chino police and interviewed witnesses described above. Maldonado confirmed the veracity of his interview reports specifically that roommate [redacted] knew the girls, said they visited frequently, and denied taking the pictures. [redacted], the [redacted] said he was not there the day of the picture-taking with the girls.

During a search of Respondent's house by Chino Police, officers found a copy of the magazine, "Barely Legal" along with other pornography in his bedroom. (See Department's Exhibit # B p. 26-27.)

Sergeant Richard Ruiz, Special Victim's Unit responsible for investigating sex crimes, testified it appeared to his experienced eye, the picture in this case and attention focused at the vaginal area, constitutes 'child pornography.' Ruiz testified somebody zoomed in directly on the vaginal area to take that picture. One of the questions in determining child pornography is what is the intent of the picture? The seven deleted sequential pictures clearly focused on the area between her legs from the waist down. [redacted] got those deleted photos from the same digital camera containing the other pictures of the girls. So many pictures taken of the same child doesn't look accidental. It is out of the norm not show the child's face. Generally pornographers keep photos.

Thomas Laing, Division Chief, Sheriff's Department, made the decision to discharge. He based his decision on the conclusion Appellant took the photos: based on the availability of the camera, the camera kept at Appellant's house, Appellant's

possession of the camera and admitted use for Ebay pictures, the sequence and number of similar pictures, specifically focused on the genital area, the girls statements they remembered Appellant taking pictures (which he found credible) the feeling the girls would have been comfortable or known the person taking photos as the poses were 'almost being naughty,' the equivocation by Appellant and lack of credibility in making contradicting statements that he 'possibly could have taken' some of the pictures to saying he did not take the pictures, the difference in testimony regarding what the girls wore, and discrepancy in reports on the number of times they slept over at his house, and sleeping in the same bed with the girls, in addition to lifestyle magazines found in Appellant's bedroom.

Laing testified progressive discipline was not appropriate as a Deputy Sheriff is put in a position of trust in the community that exceeds others, entrusted with peoples' lives and safety and taking pictures of a minor's genitalia violated that trust and embarrassed the Department. Discharge is appropriate pursuant to Department's Guidelines for Disciple, a violation of Immoral Conduct results in discharge and may not be reduced (See Department's Exhibit #H p. 5.)

IV. DISCUSSION

The question in this case, is did Appellant engage in immoral conduct or fail to maintain a level of moral conduct in keeping with the highest standards of law enforcement by knowingly taking sexually explicit photographs, having in his possession sexually explicit photographs of [redacted] year old [redacted] exposed vagina, and engaging in other immoral conduct in violation of the mandate to maintain the highest standards of the law enforcement profession, bringing discredit upon himself and the

Department. Additionally, did Appellant make false statements during the investigation on October 27, 2009, denying he took the photographs after telling Chino Police he had done so?

The photographs of a clear zoomed in shot of young minor [redacted] exposed vagina, seen in Department's Exhibit #F and #G, are clearly disturbing and inappropriate as admitted by Appellant's own counsel. Appellant argues while the photographs are clearly objectionable, he did not take them. He may have taken other pictures of the two girls on the same day in question, he doesn't recall clearly.

Appellant argues his house was searched with no findings of inappropriate pictures of young girls on his computer. While having many opportunities, there is no indication he ever took advantage of the girls while, showering, swimming, sleeping, and dressing, to sexually abuse the girls.

There is no clear unequivocal undeniable proof Appellant did take the pictures in question. We know the camera belonged to his [redacted] who lived with him and was a communal camera used by others and left on the kitchen counter. Any number of people could arguably have taken any and all of the pictures, including the two girls, the [redacted] the [redacted] and the [redacted]. The [redacted] did recall being there that day but denies taking any pictures.

It is possible that someone else took the objectionable pictures. [redacted] conceivably could have taken the picture playing around. It also is remotely conceivable the picture could have been taken accidently as [redacted] moved rapidly around riding the bike and unintentionally exposed her vagina. Nevertheless, all this is highly unlikely. The girls recall Appellant taking the pictures of them on that day, in the

pool, and on the bike, but do not specifically recall him taking the objectionable picture. Appellant indicated he might have taken the other pictures before and after the objectionable picture. The other pictures are of his dog and his T-shirts further tying the sequence to Appellant. [redacted] described one of the pictures recalling Appellant showing it to her and 'they all laughed', supporting the idea Appellant took some of the pictures in the sequence. The objectionable picture, including the deleted pictures, were proven to all be taken in the same sequence. The inappropriate pictures clearly and seemingly intentionally zoomed in to focus on the vagina. It would be almost inconceivable there would be 7 similar accidental pictures of the young girl's vagina. Taking or deleting these pictures for a [redacted] or even [redacted] seems insurmountably complex. The girls' reports were very consistent and credible.

Appellant's [redacted] discovered the pictures on a day she had gone with her [redacted] and [redacted] Appellant's suggestion his relationship with his [redacted] was strained in September by his refusal to continue her car payments and her car's repossession is contradicted by being on a family outing together on the day the pictures were discovered, thus making it highly unlikely she created or reported the pictures for revenge.

While conclusive proof Appellant took the picture is lacking, all strong indicators (his own statements, the recollections or the two minor girls, the sequence of his home, dogs, T-shirts, the number of inappropriate and sequenced deleted pictures,) highly suggest he and no logical other took the offending picture. The preponderance of evidence indicates Appellant acted inappropriate and probably immorally.

Testimony from the young girls has obvious limitations lacking sophisticated understanding of complicated sexual and appropriate family/social dynamics. Nevertheless, the testimony of these young girls was taken under the best circumstances by a trained interviewer, and revealed other confirming and disturbing allegations lending weight to the evidence and adding additional examples of Appellant's questionable moral conduct.

Both the girls confirm they slept over at Appellant's house on at least one occasion and probably more. While [redacted] stated they slept on couches in the living room while Appellant slept in his bedroom, [redacted] stated, and Appellant confirmed, the girls slept in Appellant's bed with him. Appellant admits this is inappropriate, but claims his bedroom was the only place he had a video recorder for the girls to watch T.V. and he didn't want them to sleep far away for safety reasons. Again, it is remotely conceivable that a care-taking adult would relax judgment letting young kids comfortably watch T.V. and even sleep with them. In intact families there are variety of appropriate patterns of kids sleeping in their parents' beds, and various degrees of physical contact. However, this was not a family. These were very young girls staying over with their mother's [redacted] a grown man. It is inconceivable a trained peace officer who deals with all kinds of social issues and perversions, living in our modern society, has not been exposed to discussions and requirements in schools and elsewhere about appropriate physical conduct with non relatives. It is inconceivable a peace officer committed to maintaining the highest standards would not consider the appropriateness of young girls from a different family sleeping in his bed. This would be something that presumably could concern the parents, his roommate, neighbors, the community at large, to say

nothing of the young girls themselves, undermining the very trust so central to his public duties.

That fact there had been any previous allegations of questionable sexual inappropriateness with Appellant, proven or not, certainly should have heightened his sensitivity to any behavior subject to questionable interpretation.

Furthermore, [redacted] alleged while with Appellant on his bed, Appellant touched her three times even after she hit him, because it felt awkward. It is hard to know precisely what occurred. She was credible revealing this in the protected forensic interview. This very allegation is one of the reasons a grown man should be vigilant about having a non-related young girl sleep in his bed. The fact Appellant allowed these young unrelated girls to sleep in his bed, alone, indicates the very poorest judgment. If he was truly concerned for their safety, he could have made numerous other types of arrangements, such as sleeping near by on the floor with the door open.

Finally, the story by [redacted] of Appellant's [redacted] who spontaneously revealed to [redacted] she had a dream Appellant inappropriately touched her four years ago, (when they mutually discovered the objectionable pictures) is very consistent with the allegations in this hearing. This is another young girl, sleeping at Appellant's house, the [redacted] of a [redacted] who had gained his trust, alleging a very similar pattern of awkward touching on the leg. Even though this remains a completely unsubstantiated claim, it certainly raises further questions. Appellant recalled that exact situation saying it was a misunderstanding. The [redacted] dismissed this allegation as a dream. The [redacted] may have been convinced it was a dream, but it was a significant enough occurrence that all three parties involved remember this incident very precisely

and similarly even though it occurred over four years ago. Additionally, this girl is the [redacted] of the current [redacted] providing some motive to side-step unpleasant allegations.

Also disturbing is the discovery of the magazine, Barely Legal, in Appellant's bedroom. While totally legal, the presence of these magazines lends credence to Appellant's interest in barely legal young women, making the whole story more credible. (See Department's Exhibit #B p.22.)

Finally, Appellant's own credibility is severely tested by his equivocation on all the important questions of whether he took the pictures, took any pictures, ever had the girls sleep over at all, how often, where they slept.

It would be terrible to mistakenly terminate a tenured 27-year employee, with no prior discipline. And in this case it is true we do not have conclusive undeniable evidence. However, the great preponderance of evidence is sufficient to conclude Appellant took the offending pictures and engaged in misconduct as alleged.

Thus, we look at the serious nature of the alleged immoral behavior of taking numerous sexually explicit and inappropriate pictures, the great likelihood the pictures were in fact taken by Respondent, given he had easy access to the camera, admitted he could have taken most other pictures in the sequence, the pictures are of his stuff, the girls recalling him taking most of the pictures in the sequence and even remember precise poses, his incredible and changing equivocation regarding the taking of the pictures, the deliberate zoomed, focused, and consistent attention to the vagina, do not appear to be accidental. The one offending picture is consistent with 7 other similar specific deleted photos in the same sequence, making it exceedingly unlikely it was accidental.

Sleeping in the same bed with these young girls, not his relatives, confirmed in his own statements and [redacted] statement, reflects extremely poor judgment and is highly questionable morally. That poor decision did in fact result in a credible accusation by [redacted] that Appellant touched her in a manner that made her feel 'awkward' even after she 'hit' him. This, after a prior allegation that four years back Appellant also inappropriately touched his then [redacted] old [redacted] while she was sleeping in his house. While this old accusation is unsubstantiated, it is still disturbing and very similar to [redacted] allegation.

There is further concerning testimony about the girls wearing only T-shirts while swimming in Appellant's pool. Finally, finding in his bedroom, pornography, and specifically the magazine, Barely Legal, sexually portraying girls to look very young, confirms Appellant's sexual interest in young girls.

In all Appellant's testimony he was equivocal, contradictory, and gave different testimony than credible testimony of his [redacted] and the two young girls. All the above point emphatically to his guilt, defies high level of good judgment, professional conduct, and moral conduct.

Based on all of this, I find Appellant violated Department Policy 3-01/030.05 by bringing discredit upon himself and the Department; violated 0-01/030.07 by failing to maintain a level of moral conduct of the highest standards, and 3-01/040.75 of failure to make statements and/or making false statement during a Department investigations, that these actions by Appellant might be repeated doing harm to the public good. Thus, discharge is warranted.

V. FINDINGS OF FACT

1. Appellant was a regular full time permanent employee, Deputy Sheriff, with Department for 27 years.

2. Appellant had no prior discipline with Department.

3. Appellant used his [redacted] camera to take personal pictures and had access to the camera.

4. [redacted], and [redacted], recall Appellant taking their picture on September 2, 2008, while swimming in Appellant's pool and playing in his yard.

5. On September 2, 2008, Respondent took sexually explicit and inappropriate pictures focusing on the vagina of [redacted] in his care.

6. Appellant deleted 7 additional similar pictures of [redacted] vagina that appeared in the same sequence, taken the same date and time.

7. [redacted], and [redacted] slept over at Appellant's house, without their [redacted] in Appellant's bed with him on at least one occasion and probably more.

8. Appellant touched [redacted] leg while in bed together in a manner that made [redacted] feel 'awkward' and did it twice more even after [redacted] hit him.

9. [redacted] and [redacted] came to Appellant's house and swam in his pool at least 4 to 5 times, often in Appellant's big t-shirts and sometimes without panties.

10. Four years ago, then [redacted] old [redacted], [redacted] of Appellant's then [redacted] recalled being touched inappropriately by Respondent while

sleeping at his house, thinking it may have been a dream; her mother told her it must have been a dream. [redacted] spontaneously mentioned this on 9/25/08, to Appellant's [redacted] when together they discovered the inappropriate pictures.

11. Pornographic materials including the magazine, Barely Legal, were found in Appellant's bedroom 10/7/08.

12. Appellant did not give truthful statements to investigators in this matter on 10/27/09 saying he did not take the pictures of the minors in question, particularly the offending picture of [redacted] vagina, and at first denying and then minimizing how often the girls slept over at his house.

13. Appellant was terminated because of violations of General Behavior, Professional Conduct, Immoral Conduct, and Failure to Make Statements and/or Making False Statements during Internal investigations on October 27, 2009.

VI. CONCLUSIONS OF LAW.

1. That Respondent proved Appellant violated Department General Behavior Sections 3-01/030.05, Professional Conduct Sections 3-01/000.10, and Immoral Conduct Section 3-01/030/07 in September, 2008 by taking sexually explicit photographs of an [redacted] old's vagina; and violated Sections 3-01/040.75 Failure to Make Statements and/or Making False Statements During Department Investigations by denying he took the inappropriate photos.

2. That Respondent meet its burden of proof in establishing discharge was appropriate according to Civil Service Regulations and established procedures of Respondent.

VII. CONCLUSION.

It is respectfully recommended that Respondent's March 4, 2010 termination of Appellant be sustained.

DATED: March 2, 2011

Respectfully submitted,

Trudi Ferguson

Trudi Ferguson

Hearing Officer



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

March 4, 2010

Deputy Bryan Thompson, #[redacted]

[redacted]

Dear Deputy Thompson:

On February 10, 2010 , you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department pending disciplinary action against you, as reported under File Number IAB 2229846. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on March 4, 2010.

An investigation under File Number IAB 2229846, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/000.10, Professional Conduct, on or about September 2008, you failed to maintain a level of moral conduct that is in keeping with the highest standards of the law enforcement profession, as evidenced by, but not limited to: knowingly taking sexually explicit photographs and/or having in your possession sexually explicit photographs of an [redacted] old's [redacted] exposed vagina as she sat on a "Big Wheel" Tricycle in your backyard in the [redacted], wearing an oversized T-shirt that admittedly belonged to you. Both minor children who were present on the day the photographs were taken said you took the photographs. Your conduct and actions are in direct conflict with

this Department's Core Values, Mission and Creed and as a deputy sheriff, they simply cannot be tolerated. Thus, you have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about October 27, 2009, you made false and/or misleading statements to investigators during your subject interview, including but not limited to:

   a) denying that you took the inappropriate photographs of [redacted] exposed vagina after telling Chino Police Department officers that you had taken the photographs.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Larry L. Waldie

LARRY L. WALDIE
UNDERSHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

LLW:RAA:KM:md

c: Advocacy Unit
Thomas M. Laing, Chief, Field Operations Region III
Michael R. Claus, Captain, Industry Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, A/Captain, Personnel Administration